

REMARKS

In response to the Office Action mailed January 30, 2003, the Applicants respectfully request the Examiner to consider the following remarks and amendments.

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-41 are pending. Claims 1-35 and 38-41 stand rejected. Claims 36 and 37 have been withdrawn. A redundant sentence was removed from page 11, line 1. Claims 1, 14, 23 and 38 been amended. Support for the amendments is found in the specification, the drawings and in the claims as originally filed. Applicants respectfully submit that the amendments do not add new matter.

Restriction Requirements

The Office Action has required restriction to one of the inventions in this application under 35 USC §121. The Applicants affirm election of group I without traverse.

Rejections Under 35 U.S.C. § 102(e)

Claims 1-5, 7-13, 15-18, 20-27, 29-35 and 38-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,469,711 of Foreman et al. ("Foreman"). Applicants do not admit that the Foreman reference is prior art and reserve the right to swear behind the reference at a later date.

The Foreman reference discloses a graphical user interface for a computer-assisted motion video editing system that directs a user through the process of editing a video program, including planning (storyboarding), capturing the video information, editing the video information and exporting the video information to a final data file or a video tape (Abstract, col. 4, lines 7-12). In the process of editing, the user is directed through the steps of editing the

primary content of the video program, adding effects at transition between video clips, adding titles and credits and, finally, editing sound (col. 4, lines 16-20).

With reference to claim 1, as amended, the Foreman reference does not disclose, “accessing a plurality of presentation images having inconsistent presentation attributes.” Rather, the Foreman reference discloses receiving and editing motion video (col. 2, lines 14-30). Typical motion video is consistent in that each frame of video is of the same presentation attributes, such as size, color, and/or exposure. This is not the same as one or more of the presentation images having inconsistent presentation attributes (e.g., not having the same size, color and/or exposure) as claimed.

Accordingly, Applicants submit that claim 1, as amended, is not anticipated by the Foreman reference under 35 USC §102(e) and respectfully request the rejection of claim 1 be withdrawn. Independent claims 14, 23 and 38 include similar limitations. Therefore, Applicants respectfully submit that, at least for the reasons stated above, claims 14, 23 and 38 are not anticipated by the Foreman reference under 35 USC §102(e) and respectfully request the rejection of these claims be withdrawn. Claims 2-13, 15-22, 24-35 and 39-41 are dependent on one of the claims 1, 14, 23 and 38. Therefore, at least for the reasons stated above, the Applicants respectfully request the rejection to these claims be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claims 6, 19, 28 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Foreman in view of U.S. Patent No. 5,940,806 of Danial (“Danial”).

As articulated above, claims 1, 14, 23 and 38, as amended, are patentable over the Foreman reference. The Danial reference fails to cure the underlying deficiencies of the Foreman reference, including the failure to teach a system or method that provide presentation images having inconsistent presentation attributes as discussed above. Hence, claims 6, 19, 28

and 41 are patentable over this combination of references. Therefore, at least for the reasons stated above, the Applicants respectfully request the rejection to these claims be withdrawn.

CONCLUSION

Applicants respectfully request reconsideration of the application and submit that the rejections have been overcome by the remarks, and that the claims are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims be allowed.

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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